

# Certifying Violation Corrections

WAC 296-900-150

## Section Contents

### EMPLOYER RESPONSIBILITY:

- To certify that violations to safety and health requirements have been corrected.
- To submit, if required:
  - Additional information
  - Correction action plans
  - Progress reports
- To comply with correction due dates
- To tag cited moveable equipment to warn employees of a hazard
- To inform affected employees that each violation was corrected

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# Violation Corrections

WAC 296-900-150

## Rule

WAC 296-900-15005

### Certifying violation correction



#### Definition:

A **correction date** is the date by which you must meet the WISHA requirements listed on either a:

- Citation and notice (C&N)

**or**

- A corrective notice of redetermination (CNR).

#### You must

- Certify in writing within 10 calendar days following the correction date shown on the C&N that each violation has been corrected. Include the following:
  - Employer name and address.
  - The inspection number involved.
  - The citation and item numbers which have been corrected.
  - The date each violation was corrected and the method used to correct them.
  - A statement that both:
    - Affected employees and their representatives were informed that each violation was corrected;
    - and**
    - The information submitted is accurate.
  - Employer's signature or the signature of employer's designated representative.



#### Note:

Certification isn't required if the WISHA compliance officer indicates in the C&N, or a reassumption hearings officer indicates in a CNR, that they have already been corrected.

#### You must

- Submit additional documentation for willful or repeated violations, demonstrating that they were corrected. This documentation may include, but isn't limited to:
  - Evidence of the purchase or repair of equipment.
  - Photographic or video evidence of corrections.
  - Other written records.
- Submit additional documentation for serious violations when required in the C&N or CNR.



# Certifying Violation Corrections

WAC 296-900-150

## Rule

WAC 296-900-15010

### Violation correction action plans

#### You must

- Submit a written violation correction action plan within 25 calendar days from the final order date when the citation and notice or corrective notice of redetermination requires it. Include all of the following in the violation correction action plan:
  - Identification of the violation.
  - The steps that will be taken to correct the violation.
  - A schedule to complete the steps.
  - A description of how employees will be protected until the corrections are completed.

#### What to expect from WISHA:

- WISHA will notify you in writing only if your plan isn't adequate, and describe necessary changes.



# Violation Corrections

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## Rule

WAC 296-900-15015

### Progress reports

#### You must

- Submit written progress reports on corrections when required in the citation and notice (C&N) or corrective notice of redetermination (CNR), and briefly explain the:
  - Status of each violation.
  - Action taken to correct each violation.
  - Date each action has or will be taken.

#### What to expect from WISHA:

- WISHA will state in the C&N or CNR if progress reports are required, including:
  - Items that require progress reports.
  - Date when an initial progress report must be submitted. The initial progress report is due no sooner than 30 calendar days after you submit a correction action plan.
  - Whether additional progress reports are required, and the dates by which they must be submitted.

WAC 296-900-15020

### Timeliness of violation correction documents

#### What to expect from WISHA:

- WISHA will determine the timeliness of violation correction documents by reviewing the following:
  - The postmark date for documents sent by mail.
  - The date received by other means, such as personal delivery or fax.



# Certifying Violation Corrections

WAC 296-900-150

## Rule

WAC 296-900-15025

### Inform employees about violation correction

#### You must

- Inform employees about violation corrections by doing the following:
  - Post a copy of each violation correction document submitted to WISHA, or a summary, near the place where the violations occurred, if practical.
    - If posting near the place where the violation occurred isn't practical, such as with a mobile work operation, post in a place readily accessible to affected employees or take other steps to fully communicate actions taken to affected employees or their representatives.
  - Keep violation correction information posted for at least 3 working days after submitting the correction documents to WISHA.
  - Give notice to employees and their representatives on or before the date you submit correction information to WISHA.
  - Make sure that all posted correction documents aren't altered, defaced, or covered by other materials.
- Inform employees and their representatives of their right to examine and copy all correction documents submitted to WISHA.
  - If they ask to examine or copy documents within 3 working days of receiving notice that the documents were submitted to WISHA, provide access or copies no later than 5 days after receiving their request.



# Violation Corrections

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## Rule

WAC 296-900-15030

### Tag moveable equipment

#### You must

- Tag moveable equipment that has been cited to warn employees if a hazard hasn't been corrected, as follows:
  - Attach a warning tag or a copy of the citation to the equipment's operating controls or to the cited component.
    - For hand-held equipment, tag it immediately after you receive a citation.
    - For other equipment, tag it before moving it within the worksite or between worksites.



#### Note:

The tag should warn employees about the nature of the violation and tell them where the citation is posted.



#### Reference:

For a sample tag that meets this requirement, go to helpful tools, Sample Tag for Cited Moveable Equipment, in the Resources section of this chapter.

#### You must

- Make sure that the tag or copy of the citation attached to movable equipment isn't altered, defaced, or covered by other materials.
- Keep the tag or copy of the citation attached to movable equipment until one of the following occurs:
  - Violations have been corrected and all certification documents have been submitted to WISHA.
  - Cited equipment is permanently removed from service.
  - The final order from an appeal vacates (voids) the violation.



#### Note:

Safety Standards for Construction Work, Chapter 296-155 WAC, has information on warning tags. You can use warning tags that meet those requirements instead of the warning tags required by this rule.

